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REMARKS

Claim 6 is pending in the application. Applicants acknowledge with appreciation the Examiner's reopening of prosecution in response to the Appeal Brief filed on February 22, 2005.

I. REJECTION OF CLAIM 6 UNDER 35 USC §101

Claim 6 now stands rejected under 35 USC §101 as being directed to non-statutory subject matter. Applicants strongly traverse this rejection for at least the following reasons.

The Examiner now suggests that claim 6 merely recites arrangements and/or stored ("recorded") data on a recording medium without any functional interrelationship. The Examiner thus concludes claim 6 is directed to non-statutory subject matter.

Initially, applicants find it somewhat disturbing that the Examiner only now decides to raise an issue of non-statutory subject matter. Nevertheless, applicants respectfully submit that claim 6 does not merely recite data on a recording medium without any functional interrelationship. Claim 6 recites a recording medium having transport stream data recorded thereon. The transport stream data includes menu item coordinate information, image information, and valid duration information.

Furthermore, claim 6 clearly recites functional interrelationship amongst the different types of data. For example, the menu item coordinate information represents a display location of a menu item. The image information represents an image. The valid duration information represents the duration for which the menu item coordinate information is valid. Moreover, the menu item coordinate information and valid duration information is inserted in the transport stream data (including the image information for representing an image) at predetermined time periods.

Therefore, there is clearly functional relationship amongst the menu item coordinate information, image information and valid duration information as recited in claim 6. If there were no functional relationships, claim 6 merely would recite a recording medium having menu item coordinate information, image information and

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valid duration information, with no explanation whatsoever as to how the different kinds of information interrelate. That clearly is not the case with claim 6.

Accordingly, withdrawal of the rejection of claim 6 under 35 USC §101 is respectfully requested.

II. REJECTION OF CLAIM 6 UNDER 35 USC §102(E)

Claim 6 continues to be identified as rejected under 35 USC §102(e) based on *Saeki et al.* This rejection is respectfully traversed for at least the following reasons.

Applicants are confused as to the basis of the rejection. The Examiner reopened prosecution of the application, presumably in view of the new grounds of rejection associated with 35 USC §101, discussed above. However, the Examiner does not address applicants' arguments in their Appeal Brief in any way. Applicants can only assume the Examiner found the arguments convincing as nothing else was added by the Examiner to facilitate ongoing prosecution.

As pointed out in their Appeal Brief, the present invention relates to a recording medium on which transport stream data has been recorded. The recording medium may be, for example, an optical disk 21, 611 (Figs. 2, 6). Alternatively, the recording medium may be any recording medium other than optical disks. (Spec., p. 16, Ins. 23-26).

As recited in claim 6, the recording medium includes transport stream data recorded thereon. The present application describes such transport stream data, i.e., a multistream composed of a plurality of streams in such a manner that the images of different "angles" are contained in respectively different streams. (Spec., p. 25, Ins. 4-11).

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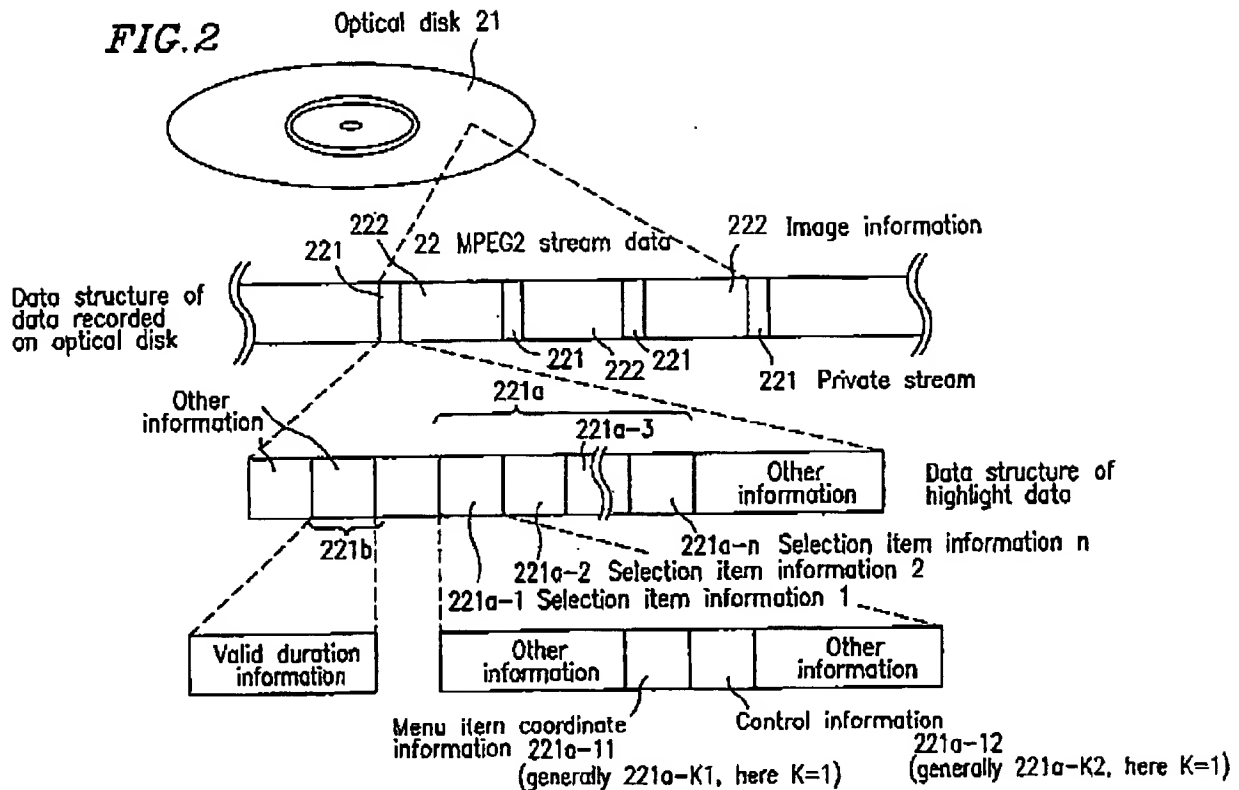


Fig. 2 of Present Application

Referring to Fig. 2 of the present application (reproduced above), for example, the transport stream data 22 includes menu item coordinate information (e.g., 221a-11) for representing a display location of a menu item. In addition, the transport stream data recorded on the recording medium 21 includes image information 222 for representing an image.

Furthermore, the transport stream data recorded on the recording medium 21 includes valid duration information 221b for representing the duration for which the menu item coordinate information (e.g., 221a-11) is valid. Moreover, the menu item coordinate information (e.g., 221a-11) and the valid duration information 221b is

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inserted in the transport stream data 22 recorded on the recording medium 21 at predetermined time periods. (See, e.g., Spec., p. 7, ln. 9 to p. 8, ln. 12).

The present application describes how prior art techniques for selecting one of a plurality of items contained in a menu representing information stored on a recording medium is not very interactive. Specifically, selecting an item by pressing a number key of a remote controller is not very interactive. Moreover, selecting one of a plurality of angles from only one angle is not very interactive because the user needs to know in advance when it is possible to select from a plurality of angles. (Spec., p. 3, lns. 4-14).

The present invention, on the other hand, makes possible the advantages of providing a recording medium and reproduction apparatus which allows the selection of desired image information in an interactive manner. Specifically, the combination of menu item coordinate information, image information and valid duration information withing transport stream data recorded on a recording medium allows selection by directly pointing to a menu item or an angle on the display with a pointing device (e.g., a mouse or a touch panel). (Spec., p. 5, lns. 4-9).

In order for a rejection of claim 6 to be proper under §102(e), the reference must teach each and every element recited in the claim. Moreover, the reference must teach each and every element arranged as recited in the claim.

Claim 6 recites a recording medium on which transport stream data is recorded. As noted above, transport stream data refers to a multistream composed of a plurality of streams in such a manner that the images of different "angles" are contained in respectively different streams. The transport stream data includes menu item coordinate information for representing a display location of a menu item, and image information representing an image. Moreover, the transport stream data recorded on the recording medium includes valid duration information representing the duration for which the menu item coordinate information is valid. The menu item coordinate information and valid duration information is inserted in the transport stream data at predetermined time periods.

The Examiner submits that Figs. 5-11, etc., of *Saeki et al.* disclose a recording medium having transport stream data recorded thereon as recited in claim 6. In

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applicants' response filed on October 25, 2004, however, applicants argued how transport stream data, as expressly noted in the present application, refers to a multi-stream composed of a plurality of streams in such a manner that the images of different "angles" are contained in respectively different streams. (See, e.g., Spec., Page 25, Lines 4-11). In *Saeki et al.*, the discussion of transport stream data is limited to use of transmission media such as telephone lines, Internet, LAN, and satellite broadcasting as previously argued by applicants. (See e.g., Column 29, Lines 28-39, reproduced and commented upon below). Applicants' interpretation is further supported by *Saeki et al.* in the discussion at Column 29, Lines 40-48. Specifically, when referring to transport stream data, *Saeki et al.* describes the reproduction apparatus as having a reception unit for receiving the transport stream (other system stream).

In other words, *Saeki et al.* does not describe transport stream data recorded on the recording medium as recited in claim 6. Instead, *Saeki et al.* describes the reproduction apparatus as having a reception unit for receiving the other system stream to be multiplexed in with the data recorded on the recording medium in order to form the transport stream. (See, e.g., Col. 29, lines 40-48).

The Examiner has referred to Column 29, Lines 28-39 of *Saeki et al.* as teaching transport stream data as recited in amended Claim 6. Specifically, *Saeki et al.* states:

The media do not necessarily have to be information storage media like optical discs. So long as image information and its control information can be interleaved into the medium, the media may be wireless transmission media like broadcasting or wired transmission media like a communication line. Here, examples of the transmission media are telephone lines, Internet, LAN, and satellite broadcasting. As the video objects of the present embodiment are a type of MPEG data called "system stream", in the case of the above mentioned transmission media, the video object will be transferred as transport stream into which the system streams are multiplexed. Id. (Emphasis Added).

As noted in the above passage from *Saeki et al.*, the reference may teach transferring data as a transport stream (i.e., "the video object will be transferred as transport stream"). However, *Saeki et al.* teaches utilizing transport stream data only in the context of a transmission media (i.e., "in the case of the above mentioned transmission media). *Saeki et al.* does not teach or suggest transport stream data for a recording medium as recited in claim 6.

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In other words, *Saeki et al.* discloses an information storage media in the form of an optical disk. However, *Saeki et al.* does not teach or suggest utilizing transport stream data in connection with the optical disk. Rather, *Saeki et al.* teaches utilizing transport stream data in the case where the media is a transmission medium as opposed to a recording medium as recited in claim 6, such as an optical disk.

Applicants above position is further reinforced by *Saeki et al.* itself, wherein it is stated:

In the present embodiment, a video object stored in a different position on the disc is selected as the branch destination in the menu. On the other hand, in the case of the transport stream, what is selected as the branch destination is an other system stream which is multiplexed into the transport stream. In this case, instead of the motor 81, the light pickup 82, and mechanism control unit 83, the reproduction apparatus should have a reception unit for receiving the transport stream. (Col. 29, Ins. 40-48; Emphasis Added).

In other words, the transport stream data in *Saeki et al.* is not stored on the recording medium (as recited in claim 6) so as to be reproduced by the motor 81, light pickup 82 and mechanism control unit 83. Rather, the reproduction apparatus in *Saeki et al.* in the case of transport stream data receives the transport stream data externally (i.e., not from the recording medium) through a reception unit.

The Examiner contends that the present application merely suggests "so called transport stream data". Otherwise, the disclosure is largely describing MPEG2 stream data (program stream). (OA mailed November 16, 2004, p. 4).

Applicants, on the other hand, note that the Examiner seems to be suggesting that since applicants did not discuss at considerable length the applicability of the present invention to transport stream data, the claimed limitation is not entitled to much weight. While applicants respectfully submit that there is in fact adequate support for transport stream data in the present application as noted above, the issue raised by the Examiner is whether there is support for the claimed invention as recited in claim 6. Whether there is support for a limitation in a claim has nothing whatsoever to do with whether such claim is anticipated under §102(e). The Examiner may not dismiss a

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limitation in a claim simply based on the belief that there is no support. Thus, the rejection is clearly improper.

As clearly described in the present application at page 25, lines 4-11, the invention of claim 6 is directed to a recording medium with transport stream data recorded thereon. In the case of transport stream data, *Saeki et al.* clearly teaches selecting a branch destination to another system stream separate and apart from the recording medium (disk) having the initial system stream data recorded thereon. (See, e.g., column 29, lines 34-48).

For at least the above reasons, *Saeki et al.* does not teach or suggest a recording medium having each and every feature as recited in claim 6. Therefore, the rejection of claim 6 is improper. Withdrawal of the rejection of claim 6 is respectfully requested.

III. CONCLUSION

Accordingly, claim 6 is believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.


Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

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Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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DATE: July 29, 2005

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